

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

RORY V. HOTOMANIE,

Plaintiff,

vs.

ARCHIE ADKINS, MS
DIRECTIONAL, LLC., and DOES I-V,

Defendants.

CV 20-117-BLG-SPW-TJC
(*Member Case*)

Consolidated with
CV-20-116-BLG-SPW-TJC
(*Lead Case*)

ORDER

Before the Court is Plaintiff Rory V. Hotomanie's Motion to File Document Under Seal. (Doc. 33.)

The starting point for motions to seal in the Ninth Circuit is a "strong presumption in favor of access." *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto. Insurance Company*, 331 F.3d 1122, 1135 (9th Cir. 2003)). "A party seeking to seal a judicial record then bears the burden of overcoming this strong presumption by meeting the 'compelling reasons' standard." *Id.* (citing *Foltz*, 331 F.3d at 1135); *Ruffner v. Ken Blanchard Companies, Inc.*, 2017 WL 11423946, at *1 (D. Mont. Nov. 16, 2017). This standard requires the party to "articulate compelling reasons supported

by specific factual findings, such that they outweigh the general history of access and the public policy favoring disclosure.” *Id.* Local Rules 1.3 and 5.2 embody the Ninth Circuit’s compelling reasons standard.

Here, the motion fails to comply with L.R. 5.2(d)’s provisions. Plaintiff does not explain why inclusion in the public record is not appropriate and gives no reason for sealing the four lodged documents other than to state they are “confidential and [are] subject to a joint stipulated confidentiality agreement between the parties.” (Doc. 33 at 2.) Accordingly,

IT IS HEREBY ORDERED that the motion (Doc. 33) is DENIED without prejudice. Plaintiff may refile the motion in compliance with L.R. 5.2(d) by explaining why including the document in the public record is not appropriate, and either (1) state why it is not feasible to file a redacted version of the document in the public record, or (2) be accompanied by a redacted version of the document filed in the public record.

IT IS ORDERED.

DATED this 25th day of May, 2021.



TIMOTHY J. CAVAN
United States Magistrate Judge